

APPENDIX A

Claims rejected under 35 U.S.C. § 102 as being anticipated by Paravia et al.

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>11. A method of real-time interactive wagering on event outcomes, said method comprising:</p> <p>determining a wagering limit for said client;</p>	<p>As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation.</p> <p>In a step 222, the automated gaming system accepts the wager from the player 118. The automated gaming system in one embodiment first checks the player's account to ensure that the player has enough balance in his or her account to support the requested wager. The system can debit that account for the amount wagered or place a mark on the amount of funds wagered from that account such that those funds are not available for other wagers until the results of that particular wager are known. Thus, this safeguard ensures that a player 118 will not wager more than he or she has in his or her account on one or more games.</p> <p>In one embodiment, if there are insufficient funds in the account to support the wager, the automated gaming system can prompt the player 118 to replenish or enhance his or her account to make up for the lack of funds. Alternatively, the automated gaming system can ask that player 118 to adjust his or her wager to fall within the amount available in his or her account.</p>	
selecting wagerable event outcomes	For example, one game available through the automated	Paravia does not show or suggest

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>on which said client is authorized to wager;</p>	<p>gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be.</p>	<p>selecting wagerable event outcomes on which said client is authorized to wager. Rather, Paravia states that "[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information." This shows what wagers are allowed by a client, <u>but not which outcomes</u> are available to the client.</p> <p>Furthermore, the portion of Paravia cited against the third element of the claim actually shows that Paravia does not show or suggest selecting and displaying wagerable event outcomes, stating "[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino." Thus, it follows that Paravia never deals with selecting and displaying wagerable event outcomes but rather always allows the customer to view information and place wagers limited only according to what is being offered by the casino and not limited by whether the client is authorized to</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p>wager on wagerable event outcomes.</p>
<p>displaying to said client said selection of wagerable event outcomes;</p>	<p>Created in 1991, the World-Wide Web (Web) provides access to information on the Internet, allowing a user to navigate Internet resources intuitively, without IP addresses or other specialized knowledge. The Web comprises hundreds of thousands of interconnected "pages", or documents, which can be displayed on a user's computer monitor. The Web pages are provided by hosts running special servers. Software that runs these Web servers is relatively simple and is available on a wide range of computer platforms including PC's. Equally available is Web browser software, used to display Web pages as well as traditional non-Web files on the user's system.</p> <p>FIG. 4 is an operational flow diagram illustrating a process for implementing a pari-mutuel gaming format according to one embodiment of the invention. Referring now to FIG. 4, in a step 272 payout and perhaps other information for a game are displayed to a player 118. Preferably, the payout amount displayed is the current amount of payout based on the wagering history as briefly described above. This is the information available to player 118 when he or she is deciding whether to place a wager and how much to wager.</p>	<p>It follows from the preceding point that if wagerable event outcomes have not been selected, these event outcomes cannot be displayed. This point is brought home by the last cited portion of Paravia which describes pari-mutuel wagering but omits the element of selecting wagerable event outcomes and presenting these outcomes to the client.</p>
<p>receiving a request from said client to wager on one of said selection of</p>	<p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in</p>	<p>It follows from the previous points that the client cannot provide a request</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
wagerable event outcomes; and	<p>a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>When a customer wants to actually place a wager, two levels of location verification come into play. The ISP firstly ensures that a user is dialing up from a verifiable location where wagering is allowed. Secondly, the location verification module also ensures that the source of the wager request is from a location where wagering is allowed. The two systems work in concert to verify the location. In a different embodiment of the system, an establishment, such as a casino, plays the role of a dedicated ISP. It is similar to the previous</p>	that corresponds to one of the selection of wagerable event outcomes if the outcomes have not been selected.

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>embodiment except that there is no general connection to the Internet. A customer is limited to viewing information and placing wagers according to what is being offered by the casino.</p> <p>Further features, advantages, and aspects of the invention are described in detail below in terms of one or more various embodiments or implementations.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information.</p> <p>Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	
<p>adjusting substantially immediately said wagering limit of said client.</p>	<p>In a step 222, the automated gaming system accepts the wager from the player 118. The automated gaming system in one embodiment first checks the player's account to ensure that the player has enough balance in his or her account to support the requested wager. The system can debit that account for the amount wagered or place a mark on the amount of funds wagered from that account such that those funds are not available for other wagers until the results of that particular wager are known. Thus, this safeguard ensures that a player 118 will not wager more than he or she has in his or her account on one or more games.</p> <p>In one embodiment, if there are insufficient funds in the account to support the wager, the automated gaming system can prompt the player 118 to replenish or enhance his or her account to make up for the lack of funds. Alternatively, the</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>automated gaming system can ask that player 118 to adjust his or her wager to fall within the amount available in his or her account.</p> <p>In one embodiment, account updating can be performed automatically where a player attempts to wager more than he or she has in his or her account. The level of automation in this process can be selected, depending on the system implementation. For example, a totally automated process can be provided whereby the player's account is updated independently of, or without the intervention of, the player. However, in a preferred embodiment, player 118 is as least notified that his or her credit card will be charged for the additional funds and allowed to approve or disapprove the additional charge and thus proceed or not proceed with the designated wager. Additionally, the player's profile may provide instructions as to how the automated gaming system should proceed in such a situation. This option allows automated handling of the event yet provides handling according to an individual player's requests.</p> <p>According to yet another aspect of the invention, various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. For example, in one implementation, the system can use a pari-mutuel gaming format that allows the odds or the payout to be adjusted as the betting continues, to help entice betters to or away from a particular competitor. Additionally, the sliding odds can be implemented with or</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>without a point spread. In one embodiment, the point spread can also be adjusted, although it is preferably fixed. Adjusting the point spread can further help to entice players to or away from one or more competitors. These features of adjusting the odds: and changing the point spread can be implemented alone or in combination to help “even out” betting for a particular competition.</p> <p>As the player makes wagers, the amount of the wager can be deducted from the player’s account, thus ensuring that the system (or ‘house’) is covered for the wager. In one embodiment, if there are insufficient funds in the player’s account to cover the wager, the player can be given the opportunity to update or replenish his or her account at that time. Additionally, in one embodiment, the player can be given the opportunity to set up his or her account such that payment to cover excess wagers is automatically accounted for in the event of such an occurrence. For example, in establishing his or her account profile, the player may provide a credit card number and authorize the system to charge that credit card account in the event that the player places a wager of an amount that exceeds his or her account balance.</p> <p>Further, the player identification number, for gaming server access, may be assigned and a password selected. Financial information may also be taken and account deposits accepted or credit limits established. It is also anticipated that a signature of the player be recorded for purposes of accountability.</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>41. A method of real-time interactive wagering on event outcomes, said method comprising:</p> <p>qualifying a client to participate in wagering;</p>	<p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>course, as these examples serve to illustrate, there are numerous features and aspects that can be included in the registration process depending on the implementation of the system.</p>	
<p>receiving from said client instructions defining a maximum amount said client desires to risk;</p>	<p>This can include the entry of specific games into the system, setting up game attributes such as identification of competitors in a game, payoff amounts, point spread amounts, payoff scales, maximum wagers, maximum acceptable loss, or other attributes that may be associated with one or more games.</p>	<p>This element specifically refers to “receiving from said client instructions defining a maximum amount said client desires to risk.” The cited portion of Paravia does not show or suggest receiving instructions from the client with respect to setting the client’s maximum amount to risk. Rather Paravia discusses a “maximum wager” as a game attribute; not as an attribute associated with any particular client. Therefore, Paravia does not show or suggest receiving instructions relating to the client’s defining a maximum amount said client desires to risk.</p>
<p>receiving from said client a request to wager on an event outcome on which said client is authorized to wager; and</p>	<p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the</p>	<p>Paravia does not show or suggest that a client may be restricted from viewing or participating in any particular event outcome. Rather, as set forth above, Paravia states, “[a] customer is limited to viewing information and placing wagers</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p>according to what is being offered by the casino." Therefore, the claimed element which defines "receiving a request from said client to wager on an event outcome on which said client is authorized to wager" is not shown or suggested by Paravia.</p>
warning said client when said requested wager and other wagers of	Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>said client exceed said maximum amount.</p>	<p>gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>As the player makes wagers, the amount of the wager can be deducted from the player's account, thus ensuring that the system (or 'house') is covered for the wager. In one embodiment, if there are insufficient funds in the player's account to cover the wager, the player can be given the opportunity to update or replenish his or her account at that time. Additionally, in one embodiment, the player can be given the opportunity to set up his or her account such that payment to cover excess wagers is automatically accounted for in the event of such an occurrence. For example, in establishing his or her account profile, the player may provide a credit card number and authorize the system to charge that credit card account in the event that the player places a wager of an amount that exceeds his or her account balance.</p>	

Claims rejected under 35 U.S.C. 103 as being obvious from Paravia

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>26. A method of real-time interactive wagering on event outcomes, said method comprising:</p> <p>receiving a request from a client to wager on an event outcome on which said client is authorized to wager;</p>	<p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>For example, one game available through the automated</p>	<p>Paravia does not show or suggest that a client may be restricted from viewing or participating in any particular event outcome. Rather, as set forth above, Paravia states, “[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino.” Therefore, the claimed element which defines “receiving a request from said client to wager on an event outcome on which said client is authorized to wager” is not shown or suggested by Paravia. Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999).</p> <p>Furthermore, in the context of this rejection under 35 U.S.C. § 103, the</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be.</p>	<p>afore-mentioned teaching of Paravia in fact teaches away from authorizing a client to participate in particular wagers. When the references themselves teach away from a combination, there can be no suggestion to combine. See <u>Tec Air, Inc. v. Denso Mfg. Mich. Inc.</u>, 192 F.3d 1353, 1360 (Fed. Cir. 1999) (citing <u>In re Gurley</u>, 27 F.3d 551 (Fed. Cir. 1994))</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>determining automatically an amount to hedge said wager based upon predetermined criteria; and hedging said wager in accordance with said determination.</p>	<p>Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p> <p><i>Examiner's Statement</i> - (Office Action Page 8-9) "Paravia does not explicitly disclose determining automatically an amount to hedge said wager based upon predetermined criteria, and hedging said wager in accordance with said determination. <i>However, hedging is well-known in the financial market to offset the risk. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify the disclosure of Paravia and include hedging to allow the wager to protect its wager (sic) from adverse price change.</i>" (emphasis in original).</p>	<p>The Examiner has acknowledged that the Paravia fails to teach these two elements of claim 41. "Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious." See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails.</p> <p>Furthermore, the Examiner has made no showing or suggestion to modify the teachings of Paravia to show or suggest the claimed invention. Thus the rejection also fails because the law requires that "[e]ven when obviousness is based on a single prior art reference, there must be a showing of a suggestion to modify the teachings of that reference." In re Kotzab, 217F.3d 1365, 1370, 55USPQ 1313, 1316-1317 (Fed. Cir. 2000).</p>
43. A method of real-time interactive		

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>wagering on event outcomes, said method comprising:</p> <p>qualifying a client to participate in wagering;</p>	<p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>receiving from said client instructions defining a wagering limit; and</p>	<p>numerous features and aspects that can be included in the registration process depending on the implementation of the system.</p> <p>In one embodiment, the player can be given the opportunity to establish the account such that these transactions can occur automatically, or semi-automatically in that they require pre-approval of the player.</p> <p>In other embodiments, various other methods of determining who to accept gaming from may be employed. Hence, the present invention should not be considered to be limited to only configurations that allow for participation based location of the player. In other arrangements, the present invention could alternatively or additionally limit or allow participation to players of certain financial means, players having completed gaming education and understanding courses, pre-registered and pre-paid players, players whose age is predetermined, or players whose telephone number has been predetermined.</p>	<p>This element specifically refers to “receiving from said client instructions defining a wagering limit.” The cited portion of Paravia does not show or suggest receiving from said client instructions defining a wagering limit. Rather the cited portion of Paravia does not relate at all to the claimed element. Although a previously cited portion of Paravia discusses a “maximum wager” as a game attribute; this is not an attribute associated with any particular client. Therefore, Paravia does not show or suggest receiving instructions relating to the client’s defining a maximum amount said client desires to risk. Where, as here, the prior art references fail to teach all the limitations of a patent’s claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int’l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999).</p>
preventing said client from further	<i>Examiner’s Statement - (Office Action Page 9)</i> "Paravia does	The Examiner has acknowledged that

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
wagering when said wagering limit has been met.	not explicitly disclose preventing said client from further wagering when said wagering limit has been met. <i>However this step is well-known to prevent abuse and bankruptcy [e.g. credit limit is to prevent client from over expending and the client ability to pay the loan back]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Paravia to include preventing the client to not go his limit (sic) and go to bankruptcy.</i> " (emphasis in original.)	the Paravia fails to teach this element of claim 43. "Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious." See <u>WMS Gaming Inc. v. Int'l Game Tech.</u> , 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails. Furthermore, the Examiner has made no showing or suggestion to modify the teachings of Paravia to show or suggest the claimed invention. Thus the rejection also fails because the law requires that "[e]ven when obviousness is based on a single prior art reference, there must be a showing of a suggestion to modify the teachings of that reference." In re Kotzab, 217F.3d 1365, 1370, 55USPQ 1313, 1316-1317 (Fed. Cir. 2000).
52. A method of real-time interactive wagering on event outcomes, said method comprising:		
providing a selection of wagerable event outcomes;	Abstract- A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming	Paravia does not show or suggest providing a selection of wagerable event outcomes. Rather, as cited above, Paravia states that "[t]he

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming</p>	<p>information may show a point spread, minimum and maximum wagers, payoff amounts and other information.” This shows what wagers are allowed by a client, but not <u>which outcomes</u> are available to the client.</p> <p>Furthermore, as set forth above, Paravia states, “[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino.” Therefore, the claimed element which defines “providing a selection of wagerable event outcomes” is not shown or suggested by Paravia. Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999).</p> <p>Furthermore, in the context of this rejection under 35 U.S.C. § 103, the afore-mentioned teaching of Paravia in fact teaches away from authorizing a client to participate in particular</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p>wagers. When the references themselves teach away from a combination, there can be no suggestion to combine. See <u>Tec Air, Inc. v. Denso Mfg. Mich. Inc.</u>, 192 F.3d 1353, 1360 (Fed. Cir. 1999) (citing <u>In re Gurley</u>, 27 F.3d 551 (Fed. Cir. 1994))</p>
<p>receiving a request from a client to wager on an event other than one of said selection of wagerable event outcomes;</p>	<p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information.</p>	<p>It follows from the preceding point that Paravia cannot show or suggest receiving a request from a client to wager on an event other than one of said selection of wagerable event</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p>outcomes because Paravia teaches away from any selection process for wagerable event outcomes.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>analyzing whether said requested event outcome should be offered as a wagerable event outcome;</p>	<p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are numerous features and aspects that can be included in the registration process depending on the implementation of the</p>	<p>This element relates to an analysis of whether said request event outcome should be offered as a wagerable event outcome. From the preceding points it has been shown that Paravia teaches away from the selection of wagerable event outcomes. As such Paravia teaches away from this element as well.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>establishing price and spread for said requested event outcome in response to a favorable analysis of said requested event; and</p>	<p>system.</p> <p>The gaming data associated with or utilized by the automated gaming system can include both player data 112 as well as game data 108. Game data 108 can include data or other information pertaining to one or more games or events executed by or provided by the automated gaming system. For example, game data 108 can include game-specific rules, attributes of one or more games (e.g., competitors in the games, point spreads, payoff amounts, or other attributes associated with a game, activity, contest or other event), and other game-related data as described in more detail below.</p> <p>Player data 112 can include data associated with or pertaining to one or more players 118 who access the automated gaming system to wager on one or more games or otherwise participate in the activities offered by gaming server 104. Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>If the exposure is greater than an acceptable minimum, one or more of the payout figures for the competitors can be adjusted as illustrated by steps 374 and 376. The payout can be adjusted for one or more of the competitors in the event and can be adjusted by predetermined amounts or an amount determined “on the fly” depending on the system</p>	<p>This element relates to establishing price and spread for said requested event outcome in response to a favorable analysis of said requested event. From the preceding points it has been shown that Paravia teaches away from the selection of wagerable event outcomes. As such Paravia also teaches away from this element.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>implementation. Additionally, payouts can be adjusted in games where there is no spread as well as in events where there is a spread but the spread can be kept constant.</p> <p><i>Examiner's Statement</i> - Paravia does not explicitly disclose adding said requested event outcome to said selection of wagerable event outcomes in response to said favorable analysis. <i>However, this is a business choice. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Paravia and add another even to allow the client to increase change his/her exposure.</i> (emphasis in the original.)</p>	<p>The Examiner has acknowledged that the Paravia fails to teach this element of claim 52. "Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious." See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails. Furthermore, the Examiner has made no showing or suggestion to modify the teachings of Paravia to show or suggest the claimed invention. Thus the rejection also fails because the law requires that "[e]ven when obviousness is based on a single prior art reference, there must be a showing of a suggestion to modify the teachings of that reference." In re Kotzab, 217F.3d 1365, 1370, 55USPQ 1313, 1316-1317 (Fed. Cir. 2000).</p>
55. A method of real-time interactive wagering on event outcomes, said method comprising:		

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
qualifying a client for wagering;	<p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are numerous features and aspects that can be included in the registration process depending on the implementation of the</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>providing a selection of wagerable event outcomes;</p>	<p>system.</p> <p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information.</p>	<p>Paravia does not show or suggest providing a selection of wagerable event outcomes. Rather, as cited above, Paravia states that “[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information.” This shows what wagers are allowed by a client, <u>but not which outcomes</u> are available to the client.</p> <p>Furthermore, as set forth above, Paravia states, “[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino.” Therefore, the claimed element which defines “providing a selection of wagerable event outcomes” is not shown or suggested by Paravia. Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999).</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p>Furthermore, in the context of this rejection under 35 U.S.C. § 103, the afore-mentioned teaching of Paravia in fact teaches away from authorizing a client to participate in particular wagers. When the references themselves teach away from a combination, there can be no suggestion to combine. See <u>Tec Air, Inc. v. Denso Mfg. Mich. Inc.</u>, 192 F.3d 1353, 1360 (Fed. Cir. 1999) (citing <u>In re Gurley</u>, 27 F.3d 551 (Fed. Cir. 1994))</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
<p>receiving a request from a client to wager on an event outcome other than one of said selection of wagerable event outcomes;</p>	<p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be</p>	<p>Paravia does not show or suggest providing a selection of wagerable event outcomes. Rather, as cited above, Paravia states that "[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information." This shows what wagers are allowed by a client, <u>but not which outcomes</u> are available to the client.</p> <p>Furthermore, as set forth above, Paravia states, "[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino." Therefore, the claimed element which defines "receiving a request from a client to wager on an event outcome other than one of said selection of wagerable event outcomes" is not shown or suggested by Paravia because Paravia does not show or suggest anything related to a selection of wagerable event outcomes. Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious. See</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia
	<p>competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p><u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999).</p> <p>Furthermore, in the context of this rejection under 35 U.S.C. § 103, the afore-mentioned teaching of Paravia in fact teaches away from authorizing a client to participate in particular wagers. When the references themselves teach away from a combination, there can be no suggestion to combine. See <u>Tec Air, Inc. v. Denso Mfg. Mich. Inc.</u>, 192 F.3d 1353, 1360 (Fed. Cir. 1999) (citing <u>In re Gurley</u>, 27 F.3d 551 (Fed. Cir. 1994))</p>
<p>adding said requested event outcome to said selection of wagerable event outcomes.</p>		<p>It follows from the foregoing that Paravia cannot show or suggest adding said requested event outcome to said selection of wagerable event outcomes because Paravia teaches away from any selection process for wagerable event outcomes.</p>

Claims rejected under 35 U.S.C. 103 as being obvious from Paravia in view of Brenner et al.

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>1. A method of real-time interactive wagering on event outcomes, said method comprising:</p> <p>qualifying a client to participate in wagering;</p>	<p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>1. Field of the Invention</p> <p>The present invention relates generally to gaming and more specifically to a system and method for providing interactive gaming using computer resources.</p> <p>2. Related Art</p> <p>The proliferation of processors and processor-based systems in recent years has led to a tremendous increase in the ability of businesses, industry and individuals to expand their operations, organize and share large amounts of information, and offer new products and services to clients and customers. Most computers and workstations in today's homes and offices are connected in some manner to another computer or workstation, either locally or remotely. An early form of such inter-connection of computing systems was a direct connection via a modem, which was eventually enhanced using technology such as the local area network (LAN). Using LAN technology, several computers, workstations, peripherals, or other related devices can be connected to share data among one another and to share network resources.</p> <p>The Internet can be thought of as an extension of local area network technology. The Internet, which started in the late 1960s, is a vast computer network consisting of many smaller networks that span the entire globe. The Internet originally began as a communication network through which government researchers, scientists and other personnel could exchange data or other information between offices and</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>facilities throughout the world. Eventually, the Internet became accessible to the public. Initially, the public was slow to embrace the Internet, and it seemed as if the Internet would remain nothing more than a way for a select group of technologists to exchange e-mails and other data or information. Eventually, however, entrepreneurs who envisioned the growth of the consumer market for Internet services were able to attract a large number of consumers into the fold. As a result, a sort of snowball effect ensued in which more and more consumers became Internet users, and in turn, more and more businesses rushed to get web pages set up on an Internet server. With more businesses offering information, products and services on the Web, more consumers were attracted to the Internet. This cycle rapidly fed on itself virtually creating an explosion on the Internet.</p> <p>However, the proliferation of the Internet did not stop with simply making web pages available to the Internet users, or web surfers. In the true capitalistic spirit, providers of goods and services began offering enhanced web services as add-on features to their goods and services. Seemingly overnight, entrepreneurs and businesses jumped on to the Internet bandwagon. On top of that, hundreds, if not thousands, of new businesses were created to offer Internet-related services.</p> <p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data.</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are numerous features and aspects that can be included in the registration process depending on the implementation of the system.</p>	
selecting a plurality of wagerable	For example, one game available through the automated	Paravia does not show or suggest

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>event outcomes in accordance with said qualifying;</p>	<p>gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p>	<p>selecting a plurality of wagerable event outcomes in accordance with said qualifying. Rather, as cited above, Paravia states, "[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino." Therefore, the claimed element which defines "selecting a plurality of wagerable event outcomes in accordance with said qualifying" is not shown or suggested by Paravia. Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999).</p> <p>This claim element includes an additional portion that is not shown or suggested by Paravia. Specifically, this element includes that the selection is in accordance with the qualifying. It follows that if Paravia does not show or suggest selection of wagerable event outcomes, it also does not show or suggest selection in</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>receiving a request to wager on one of said event outcomes; and</p>	<p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p>	<p>accordance with the qualifying.</p> <p>It follows from the previous points that the client cannot provide a request that corresponds to one of the selection of wagerable event outcomes if the outcomes have not been selected.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	
<p>notifying substantially immediately whether said wager has been accepted.</p>	<p><i>Examiner's Statement - (Office Action page 13) . . .</i> However, Brenner disclose an interactive system and notifying substantially immediately whether said wager has been accepted [see entire document particularly, Abstract; Figure 1-4, 40; C1 L1 to C2 L30, C3 L23-L30, C4 L22-L42, C5 L35 to C6 L37; C7 L20-L54; C8 L66 to C9 L25; C10 L19-L23; C24 L7-L21] to provide interactive wagering system over the telephone lines (Internet), provide a user with an opportunity to place a wager and confirm the wager. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Paravia and Brenner to provide an interactive wager system to allow the user to place a wager from his home or remote side with out going to the sport sites, etc. (emphasis in original) (Brenner has not been reproduce herein for the sake of brevity.)</p>	<p>"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has provided no other motivation than the claimed invention for combining the two cited references Paravia and Brenner. Thus this portion of the rejection fails to provide a motivation for the combination.</p>
<p>7. A method of real-time interactive wagering on event outcomes, said method comprising:</p>		

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>providing an Internet Web site that includes a selection of event outcomes;</p>	<p>When a customer wants to actually place a wager, two levels of location verification come into play. The ISP firstly ensures that a user is dialing up from a verifiable location where wagering is allowed. Secondly, the location verification module also ensures that the source of the wager request is from a location where wagering is allowed. The two systems work in concert to verify the location. In a different embodiment of the system, an establishment, such as a casino, plays the role of a dedicated ISP. It is similar to the previous embodiment except that there is no general connection to the Internet. A customer is limited to viewing information and placing wagers according to what is being offered by the casino.</p> <p>Further features, advantages, and aspects of the invention are described in detail below in terms of one or more various embodiments or implementations.</p>	<p>Paravia does not show or suggest providing an Internet Web site that includes a selection of event outcomes. Rather, as cited above, Paravia states that “[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information.” This shows what wagers are allowed by a client, but not which <u>outcomes</u> are available to the client.</p> <p>Furthermore, as set forth above, Paravia states, “[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino.” Therefore, the claimed element which defines “providing an Internet Web site that includes a selection of event outcomes” is not shown or suggested by Paravia. Where, as here, the prior art references fail to teach all the limitations of a patent’s claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int’l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>qualifying a client to participate in wagering;</p>	<p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are</p>	<p>Cir. 1999).</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>receiving from said client via said Internet a request to wager on one of said event outcomes;</p>	<p>numerous features and aspects that can be included in the registration process depending on the implementation of the system.</p> <p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>When a customer wants to actually place a wager, two levels of location verification come into play. The ISP firstly ensures</p>	<p>It follows from the previous point that the client cannot provide a request that corresponds to one of the selection of wagerable event outcomes if the outcomes have not been selected.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>that a user is dialing up from a verifiable location where wagering is allowed. Secondly, the location verification module also ensures that the source of the wager request is from a location where wagering is allowed. The two systems work in concert to verify the location. In a different embodiment of the system, an establishment, such as a casino, plays the role of a dedicated ISP. It is similar to the previous embodiment except that there is no general connection to the Internet. A customer is limited to viewing information and placing wagers according to what is being offered by the casino.</p> <p>Further features, advantages, and aspects of the invention are described in detail below in terms of one or more various embodiments or implementations.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>or sports-related events, but can include other “contests” including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player’s wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	
<p>determining substantially immediately whether said client is qualified to place said wager; and</p>	<p>1. Field of the Invention</p> <p>The present invention relates generally to gaming and more specifically to a system and method for providing interactive gaming using computer resources.</p> <p>2. Related Art</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>The proliferation of processors and processor-based systems in recent years has led to a tremendous increase in the ability of businesses, industry and individuals to expand their operations, organize and share large amounts of information, and offer new products and services to clients and customers. Most computers and workstations in today's homes and offices are connected in some manner to another computer or workstation, either locally or remotely. An early form of such inter-connection of computing systems was a direct connection via a modem, which was eventually enhanced using technology such as the local area network (LAN). Using LAN technology, several computers, workstations, peripherals, or other related devices can be connected to share data among one another and to share network resources.</p> <p>The Internet can be thought of as an extension of local area network technology. The Internet, which started in the late 1960s, is a vast computer network consisting of many smaller networks that span the entire globe. The Internet originally began as a communication network through which government researchers, scientists and other personnel could exchange data or other information between offices and facilities throughout the world. Eventually, the Internet became accessible to the public. Initially, the public was slow to embrace the Internet, and it seemed as if the Internet would remain nothing more than a way for a select group of technologists to exchange e-mails and other data or information. Eventually, however, entrepreneurs who</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>envisioned the growth of the consumer market for Internet services were able to attract a large number of consumers into the fold. As a result, a sort of snowball effect ensued in which more and more consumers became Internet users, and in turn, more and more businesses rushed to get web pages set up on an Internet server. With more businesses offering information, products and services on the Web, more consumers were attracted to the Internet. This cycle rapidly fed on itself virtually creating an explosion on the Internet.</p> <p>However, the proliferation of the Internet did not stop with simply making web pages available to the Internet users, or web surfers. In the true capitalistic spirit, providers of goods and services began offering enhanced web services as add-on features to their goods and services. Seemingly overnight, entrepreneurs and businesses jumped on to the Internet bandwagon. On top of that, hundreds, if not thousands, of new businesses were created to offer Internet-related services.</p> <p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are numerous features and aspects that can be included in the registration process depending on the implementation of the system.</p>	
<p>notifying said client substantially immediately via said Internet whether said wager is accepted.</p>	<p>Examiner's Statement - (Office Action page 15) . . . However, Brenner disclose an interactive system and notifying substantially immediately whether said wager has been accepted[<i>see entire document particularly, Abstract; Figure 1-4, 40; C1 L1 to C2 L30, C3 L23-L30, C4 L22-L42, C5 L35 to C6 L37; C7 L20-L54; C8 L66 to C9 L25; C10 L19-L23; C24 L7-L21</i>] to provide interactive wagering system</p>	<p>"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 175 F.3d</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p><i>over the telephone lines (Internet), provide a user with an opportunity to place a wager and confirm the wager. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Paravia and Brenner to provide an interactive wager system to allow the user to place a wager from his home or remote side with out going to the sport sites, etc. (emphasis in original) (Brenner has not been reproduce herein for the sake of brevity.)</i></p>	<p>994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has provided no other motivation than the claimed invention for combining the two cited references Paravia and Brenner. Thus this portion of the rejection fails to provide a motivation for the combination.</p>
<p>16. A method of real-time interactive wagering on event outcomes, said method comprising:</p>		
<p>establishing a line of credit for a client;</p>	<p>As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation.</p> <p>In a step 222, the automated gaming system accepts the wager from the player 118. The automated gaming system in one embodiment first checks the player's account to ensure that the player has enough balance in his or her account to support the requested wager. The system can debit that account for the amount wagered or place a mark on the amount of funds wagered from that account such that those funds are not available for other wagers until the results of that particular wager are known. Thus, this safeguard ensures that a player 118 will not wager more than he or she has in his or her account on one or more games.</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>In one embodiment, if there are insufficient funds in the account to support the wager, the automated gaming system can prompt the player 118 to replenish or enhance his or her account to make up for the lack of funds. Alternatively, the automated gaming system can ask that player 118 to adjust his or her wager to fall within the amount available in his or her account.</p>	
<p>displaying to said client a selection of event outcomes on which said client is authorized to wager;</p>	<p>Created in 1991, the World-Wide Web (Web) provides access to information on the Internet, allowing a user to navigate Internet resources intuitively, without IP addresses or other specialized knowledge. The Web comprises hundreds of thousands of interconnected "pages", or documents, which can be displayed on a user's computer monitor. The Web pages are provided by hosts running special servers. Software that runs these Web servers is relatively simple and is available on a wide range of computer platforms including PC's. Equally available is Web browser software, used to display Web pages as well as traditional non-Web files on the user's system.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p>	<p>Paravia does not show or suggest displaying to said client a selection of event outcomes on which said client is authorized to wager. Rather, Paravia states that "[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information." This shows what wagers are allowed by a client, but not which outcomes are available to the client.</p> <p>Furthermore, the portion of Paravia cited above actually shows that Paravia does not show or suggest selecting and displaying wagerable event outcomes, stating "[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino." Thus, it</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p>follows that Paravia never deals with selecting and displaying wagerable event outcomes but rather always allows the customer to view information and place wagers limited only according to what is being offered by the casino and not limited by whether the client is authorized to wager on wagerable event outcomes.</p> <p>In conclusion, if wagerable event outcomes have not been selected, these event outcomes cannot be displayed.</p>
receiving a request from said client to	For example, one game available through the automated	It follows from the previous points

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>wager on one of said selection of event outcomes;</p>	<p>gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular</p>	<p>that the client cannot provide a request that corresponds to one of the selection of wagerable event outcomes if the outcomes have not been selected.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	
<p>confirming substantially immediately acceptance of said wager;</p>	<p><i>Examiner's Statement</i> - (Office Action page 16) . . . However, Brenner disclose this step [see entire document particularly, Abstract; Figure 1-4, 40; C1 L1 to C2 L30, C3 L23-L30, C4 L22-L42, C5 L35 to C6 L37; C7 L20-L54; C8 L66 to C9 L25; C10 L19-L23; C24 L7-L21] to provide interactive wagering system over the telephone lines (Internet), provide a user with an opportunity to place a wager and confirm the wager. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Paravia and Brenner to provide an interactive wager system to allow the user to place a wager from his home or remote side with out going to the sport sites, etc. (emphasis in original) (Brenner has not been reproduce herein for the sake of brevity.)</p>	<p>"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has provided no other motivation than the claimed invention for combining the two cited references Paravia and Brenner. Thus this portion of the rejection fails to provide a motivation for the combination.</p>
<p>updating substantially immediately said line of credit of said client; and</p>	<p>As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation. In a step 222, the automated gaming system accepts the wager from the player 118. The automated gaming system in one embodiment first checks the player's account to ensure that</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>the player has enough balance in his or her account to support the requested wager. The system can debit that account for the amount wagered or place a mark on the amount of funds wagered from that account such that those funds are not available for other wagers until the results of that particular wager are known. Thus, this safeguard ensures that a player 118 will not wager more than he or she has in his or her account on one or more games.</p> <p>In one embodiment, if there are insufficient funds in the account to support the wager, the automated gaming system can prompt the player 118 to replenish or enhance his or her account to make up for the lack of funds. Alternatively, the automated gaming system can ask that player 118 to adjust his or her wager to fall within the amount available in his or her account.</p> <p>Further, the player identification number, for gaming server access, may be assigned and a password selected. Financial information may also be taken and account deposits accepted or credit limits established. It is also anticipated that a signature of the player be recorded for purposes of accountability.</p>	
<p>updating substantially immediately said selection of event outcomes on which said client is authorized to wager.</p>	<p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information.</p>	<p>It follows from the foregoing that the system cannot update substantially immediately said selection of event outcomes on which said client is authorized to wager if the outcomes</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated</p>	<p>have not been selected.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	gaming system.	
<p>20. A method of real-time interactive wagering on event outcomes, said method comprising:</p> <p>qualifying a client for wagering;</p>	<p>Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or regulations by participating in certain gaming events. The</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are numerous features and aspects that can be included in the registration process depending on the implementation of the system.</p>	
<p>receiving price information for said wagerable event outcomes;</p>	<p>For example, subsequent wagers to the Braves may be paid out at a new payout level of \$1.70 per wagered dollar as illustrated by reference numeral 442, and payouts for the Padres paid at \$1.90 for each wagered dollar as illustrated by reference numeral 444. In this manner, the system may entice bettors to the underdog (i.e., under-wagered) side in an attempt to obtain additional funds to help pay the payout should the other side win.</p> <p>The example scenario illustrates an adjustment of a heavily wagered side down and under-wagered side up, simultaneously. Of course, these exact adjustments are not necessary and alternative adjustment mechanisms can be put into place such as, for example, adjusting the sides at different times, adjusting the sides by different amounts, adjusting one side and not the other, and so on. Additionally, although no spread was indicated in this example scenario, a spread can be implemented and the spread can also be adjusted to help sway player's opinions.</p> <p>It should also be noted in the above scenario that the betting for both the Padres and the Braves started out with an equal</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>payout of \$1.80 per side. Where the game is established for wagering with no spread, yet there may be a perception of imbalance between teams, the payout amounts can start off unequal to help entice wagers to the team that is considered to be the weaker of the two competitors.</p> <p>In the guaranteed-payout format, system exposure can arise in at least two different scenarios. In a first scenario, a first level exposure arises when betting or wagering on one side (versus the other side) exceeds a predetermined amount, causing the guaranteed payout system to change the money line or payoff. In one embodiment, the level of exposure is set to a relatively low threshold such that the payout amounts can be changed relatively quickly, thus helping to more quickly entice players to place wagers on the under-wagered side.</p> <p>A second level of exposure can occur where the overall loss limit for the system on a particular contest is met. When this level is reached, betting can be suspended on the over-wagered side while the imbalance remains.</p> <p>FIG. 9 is an operational flow diagram illustrating a process for computing an exposure for a guaranteed-payout format according to one embodiment of the invention. Referring now to FIG. 9, in a step 472, the wagers made for each competitor in the competition are totaled. In a step 474, the guaranteed payouts for each of those wagers for each competitor are also determined. In one embodiment, the payouts can be determined only for the heavily-wagered competitor, because</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>this is the side in which exposure is most likely to be present. Because the payout level is guaranteed as of the time a player makes the wager, the payout levels or payout amounts for each wager and the associated wager amount are stored and accessed for purposes of this computation. Thus, the payout amounts for the competitor is determined based on the actual payout amounts guaranteed for the wagers placed to date.</p> <p>In a step 476, the total amount wagered for all other competitors is subtracted from the net payout amount for the heavily wagered competitor (less the amount wagered on that competitor) to determine whether there is enough money to make the level of guaranteed payout. If the amount is greater than zero, there is an exposure, and this excess indicates the amount of exposure. This is illustrated by steps 478 and 480. If the amount is not less than zero, there are enough funds to cover the payout and there is no exposure as illustrated by steps 478 and 482. Of course, in this and other exposure computations described in this document, the exposure is made assuming, or regardless of, overhead costs and house fees associated with the gaming.</p> <p>Also worthy of mention, is a scenario where there may be multiple payouts such as, for example, in a horse racing, automobile racing or other event where there can be more than one "winner." In this instance, the maximum-payout scenario is preferably computed and used to determine the exposure based on the total amount of money wagered for the</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>generating a selection of event outcomes on which said client is authorized to wager, each said event having said price information associated therewith;</p>	<p>various competitors.</p> <p>A second level of exposure can occur where the overall loss limit for the system on a particular contest is met. When this level is reached, betting can be suspended on the over-wagered side while the imbalance remains.</p> <p>FIG. 9 is an operational flow diagram illustrating a process for computing an exposure for a guaranteed-payout format according to one embodiment of the invention. Referring now to FIG. 9, in a step 472, the wagers made for each competitor in the competition are totaled. In a step 474, the guaranteed payouts for each of those wagers for each competitor are also determined. In one embodiment, the payouts can be determined only for the heavily-wagered competitor, because this is the side in which exposure is most likely to be present. Because the payout level is guaranteed as of the time a player makes the wager, the payout levels or payout amounts for each wager and the associated wager amount are stored and accessed for purposes of this computation. Thus, the payout amounts for the competitor is determined based on the actual payout amounts guaranteed for the wagers placed to date.</p> <p>In a step 476, the total amount wagered for all other competitors is subtracted from the net payout amount for the heavily wagered competitor (less the amount wagered on that competitor) to determine whether there is enough money to make the level of guaranteed payout. If the amount is greater than zero, there is an exposure, and this excess indicates the</p>	<p>Paravia does not show or suggest generating a selection of event outcomes on which said client is authorized to wager. Rather, Paravia states that “[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information.” This shows what wagers are allowed by a client, but not which outcomes are available to the client.</p> <p>Furthermore, the portion of Paravia cited against the third element of claim 1 actually shows that Paravia does not show or suggest selecting and displaying wagerable event outcomes, stating “[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino.” Thus, it follows that Paravia never deals with generating a selection of event outcomes on which said client is authorized to wager but rather always allows the customer to view</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>amount of exposure. This is illustrated by steps 478 and 480. If the amount is not less than zero, there are enough funds to cover the payout and there is no exposure as illustrated by steps 478 and 482. Of course, in this and other exposure computations described in this document, the exposure is made assuming, or regardless of, overhead costs and house fees associated with the gaming.</p> <p>Also worthy of mention, is a scenario where there may be multiple payouts such as, for example, in a horse racing, automobile racing or other event where there can be more than one "winner." In this instance, the maximum-payout scenario is preferably computed and used to determine the exposure based on the total amount of money wagered for the various competitors.</p> <p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in</p>	<p>information and place wagers limited only according to what is being offered by the casino and not limited by whether the client is authorized to wager on wagerable event outcomes.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>Created in 1991, the World-Wide Web (Web) provides access to information on the Internet, allowing a user to navigate Internet resources intuitively, without IP addresses or other specialized knowledge. The Web comprises hundreds of thousands of interconnected "pages", or documents, which can be displayed on a user's computer monitor. The Web pages are provided by hosts running special servers. Software that runs these Web servers is relatively simple and is available on a wide range of computer platforms including PC's. Equally available is Web browser software, used to display Web pages as well as traditional non-Web files on the user's system.</p> <p>FIG. 4 is an operational flow diagram illustrating a process for implementing a pari-mutuel gaming format according to one embodiment of the invention. Referring now to FIG. 4, in a step 272 payout and perhaps other information for a game are displayed to a player 118. Preferably, the payout amount</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>displayed is the current amount of payout based on the wagering history as briefly described above. This is the information available to player 118 when he or she is deciding whether to place a wager and how much to wager.</p>	
<p>displaying to said client said selection of event outcomes and associated price information;</p>	<p>Examiner's Statement - (Office Action at page 18) However, Brenner disclose displaying to said client said selection of event outcomes and associated price information. <i>However, Brenner discloses this feature [figure 36; C23 L3-L55] to provide menu for wager to select a play from menu on screen. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Paravia and Brenner to provide the player a visual way to make wager.</i> (emphasis in original)</p>	<p>It follows from the previous points that the system cannot display to said client said selection of event outcomes and associated price information if the outcomes have not been selected.</p> <p>"Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious." See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails.</p> <p>Moreover, "combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has provided no</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
		other motivation than the claimed invention for combining the two cited references Paravia and Brenner. Thus this portion of the rejection fails to provide a motivation for the combination.
updating said display of wagerable event outcomes in real time when said received price information differs from said displayed price information.	<p>Regardless of the particular type of event then, the various competitors or participants in that event can be listed. Of course, access to this information can be obtained via a number of different routes, again depending upon system configuration. For example, the hierarchy of the automated gaming system may be established such that the particular games are organized according to type of game. An example hierarchy may include at a top level, sporting events, political events, weather events, and so on. The next level under sporting events may include a listing of the different sports supported by the system such as, for example, baseball, football, basketball, and so on. Under basketball (which can, of course, be further divided into high school, college, professional, and so on) a listing of the specific games for which wagering is accepted can be provided.</p> <p>Additionally, search features can be included with the automated gaming system to allow a player 118 to more directly access a specific event by entering search terms such as, for example, a team name, a player name, or other key word information.</p>	<p>It follows from the foregoing that the system cannot update said display of wagerable event outcomes in real time when said received price information differs from said displayed price information if the outcomes have not been selected or displayed.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>Also displayed with the competitors or participants in a particular game, are the payoffs (or odds) and spread associated with the particular game. This is illustrated by steps 218 and 220. As discussed below in particular gaming embodiments, payoff and spread information may vary during the wagering process depending on wagering activities and the gaming format. Also, it is not essential that a spread be provided for every game.</p>	
<p>34. A method of real-time interactive wagering on event outcomes, said method comprising:</p>		
<p>determining a spread of a wagerable event outcome;</p>	<p>The gaming data associated with or utilized by the automated gaming system can include both player data 112 as well as game data 108. Game data 108 can include data or other information pertaining to one or more games or events executed by or provided by the automated gaming system. For example, game data 108 can include game-specific rules, attributes of one or more games (e.g., competitors in the games, point spreads, payoff amounts, or other attributes associated with a game, activity, contest or other event), and other game-related data as described in more detail below.</p> <p>Player data 112 can include data associated with or pertaining to one or more players 118 who access the automated gaming system to wager on one or more games or otherwise participate in the activities offered by gaming server 104. Player data 112 can include, for example, player account</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>If the exposure is greater than an acceptable minimum, one or more of the payout figures for the competitors can be adjusted as illustrated by steps 374 and 376. The payout can be adjusted for one or more of the competitors in the event and can be adjusted by predetermined amounts or an amount determined "on the fly" depending on the system implementation. Additionally, payouts can be adjusted in games where there is no spread as well as in events where there is a spread but the spread can be kept constant.</p>	
displaying at a workstation said wagerable event outcome and said spread of said wagerable event outcome;	<p>Created in 1991, the World-Wide Web (Web) provides access to information on the Internet, allowing a user to navigate Internet resources intuitively, without IP addresses or other specialized knowledge. The Web comprises hundreds of thousands of interconnected "pages", or documents, which can be displayed on a user's computer monitor. The Web pages are provided by hosts running special servers. Software that runs these Web servers is relatively simple and is available on a wide range of computer platforms including PC's. Equally available is Web browser software, used to display Web pages as well as traditional non-Web files on the user's system.</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>receiving a request to wager on said wagerable event outcome;</p>	<p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>When a customer wants to actually place a wager, two levels of location verification come into play. The ISP firstly ensures that a user is dialing up from a verifiable location where wagering is allowed. Secondly, the location verification module also ensures that the source of the wager request is from a location where wagering is allowed. The two systems</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>work in concert to verify the location. In a different embodiment of the system, an establishment, such as a casino, plays the role of a dedicated ISP. It is similar to the previous embodiment except that there is no general connection to the Internet. A customer is limited to viewing information and placing wagers according to what is being offered by the casino.</p> <p>Further features, advantages, and aspects of the invention are described in detail below in terms of one or more various embodiments or implementations.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>notifying substantially immediately whether said wager has been accepted; and</p>	<p>than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	
<p>notifying substantially immediately whether said wager has been accepted; and</p>	<p>Examiner's Statement - (Office Action page 19) . . .</p> <p>However, Brenner disclose this step [see entire document particularly, Abstract; Figure 1-4, 40; C1 L1 to C2 L30, C3 L23-L30, C4 L22-L42, C5 L35 to C6 L37; C7 L20-L54; C8 L66 to C9 L25; C10 L19-L23; C24 L7-L21] to provide interactive wagering system over the telephone lines (Internet), provide a user with an opportunity to place a wager and confirm the wager. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Paravia and</p>	<p>"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has provided no other motivation than</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<i>Brenner to provide an interactive wager system to allow the user to place a wager from his home or remote side with out going to the sport sites, etc. (emphasis in original) (Brenner has not been reproduce herein for the sake of brevity.)</i>	the claimed invention for combining the two cited references Paravia and Brenner. Thus this portion of the rejection fails to provide a motivation for the combination.
adjusting continually said spread of said wagerable event in accordance with predetermined risk criteria.	<p>The gaming data associated with or utilized by the automated gaming system can include both player data 112 as well as game data 108. Game data 108 can include data or other information pertaining to one or more games or events executed by or provided by the automated gaming system. For example, game data 108 can include game-specific rules, attributes of one or more games (e.g., competitors in the games, point spreads, payoff amounts, or other attributes associated with a game, activity, contest or other event), and other game-related data as described in more detail below.</p> <p>Player data 112 can include data associated with or pertaining to one or more players 118 who access the automated gaming system to wager on one or more games or otherwise participate in the activities offered by gaming server 104. Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>If the exposure is greater than an acceptable minimum, one or</p>	<p>The Examiner has acknowledged that Paravia does not disclose risk criteria according to the invention. See Office Action page 19-20. "Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious." See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>more of the payout figures for the competitors can be adjusted as illustrated by steps 374 and 376. The payout can be adjusted for one or more of the competitors in the event and can be adjusted by predetermined amounts or an amount determined "on the fly" depending on the system implementation. Additionally, payouts can be adjusted in games where there is no spread as well as in events where there is a spread but the spread can be kept constant.</p>	
<p>50. A method of real-time interactive wagering on event outcomes, said method comprising:</p>		
<p>issuing a card to a client, said card encoded with identification information and financial information associated with said client; reading said encoded information from said card;</p>	<p>Examiner's Statement - Paravia does not explicitly disclose issuing a card to a client, said card encoded with identification information and financial information associated with said client; reading said encoded information from said card, and notifying said client substantially immediately whether said wager has been accepted. However, issuing a card to a client, said card encoded with identification information and financial information associated with said client and reading said encoded information from said card are well-known, where the client is identified by his account number coded on the credit card. Brenner disclose an interactive system notifying said client substantially immediately whether said wager has been accepted [see claim 1] <i>to inform the client that his/her wager is confirmed. It would have been obvious to one of ordinary skill in the art at the time the Applicant's</i></p>	<p>The Examiner has acknowledged that these elements are not shown or suggested by the cited references. "Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious." See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p><i>invention was made to combine disclosures Paravia and Brenner to provide an wager system accepting a credit card as and (sic) ID and informing the client whether the bet is accepted.</i></p>	
<p>displaying to said client a selection of wagerable event outcomes on which said client is authorized to wager in accordance with said encoded information;</p>	<p>1. Field of the Invention The present invention relates generally to gaming and more specifically to a system and method for providing interactive gaming using computer resources.</p> <p>2. Related Art The proliferation of processors and processor-based systems in recent years has led to a tremendous increase in the ability of businesses, industry and individuals to expand their operations, organize and share large amounts of information, and offer new products and services to clients and customers. Most computers and workstations in today's homes and offices are connected in some manner to another computer or workstation, either locally or remotely. An early form of such inter-connection of computing systems was a direct connection via a modem, which was eventually enhanced using technology such as the local area network (LAN). Using LAN technology, several computers, workstations, peripherals, or other related devices can be connected to share data among one another and to share network resources.</p> <p>The Internet can be thought of as an extension of local area network technology. The Internet, which started in the late 1960s, is a vast computer network consisting of many smaller</p>	<p>Paravia does not show or suggest selecting wagerable event outcomes on which said client is authorized to wager. Rather, Paravia states that "[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information." This shows what wagers are allowed by a client, <u>but not which outcomes are available to the client.</u></p> <p>Furthermore, the portion of Paravia cited against the third element of the claim actually shows that Paravia does not show or suggest selecting and displaying wagerable event outcomes, stating "[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino." Thus, it follows that Paravia never deals with selecting and displaying wagerable event outcomes <u>but rather always</u></p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>networks that span the entire globe. The Internet originally began as a communication network through which government researchers, scientists and other personnel could exchange data or other information between offices and facilities throughout the world. Eventually, the Internet became accessible to the public. Initially, the public was slow to embrace the Internet, and it seemed as if the Internet would remain nothing more than a way for a select group of technologists to exchange e-mails and other data or information. Eventually, however, entrepreneurs who envisioned the growth of the consumer market for Internet services were able to attract a large number of consumers into the fold. As a result, a sort of snowball effect ensued in which more and more consumers became Internet users, and in turn, more and more businesses rushed to get web pages set up on an Internet server. With more businesses offering information, products and services on the Web, more consumers were attracted to the Internet. This cycle rapidly fed on itself virtually creating an explosion on the Internet.</p> <p>However, the proliferation of the Internet did not stop with simply making web pages available to the Internet users, or web surfers. In the true capitalistic spirit, providers of goods and services began offering enhanced web services as add-on features to their goods and services. Seemingly overnight, entrepreneurs and businesses jumped on to the Internet bandwagon. On top of that, hundreds, if not thousands, of new</p>	<p>event outcomes but rather always allows the customer to view information and place wagers limited only according to what is being offered by the casino and not limited by whether the client is authorized to wager on wagerable event outcomes. It follows that the system cannot display to said client said selection of event outcomes and associated price information if the outcomes have not been selected. "Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious." See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>businesses were created to offer Internet-related services. Player data 112 can include data associated with or pertaining to one or more players 118 who access the automated gaming system to wager on one or more games or otherwise participate in the activities offered by gaming server 104. Player data 112 can include, for example, player account information, account balances, player profiles, player participation histories, and other pertinent or relevant data. Setting up the player accounts, player profiles, and other player information is described in more detail in this document below.</p> <p>In a step 146, in one embodiment the automated gaming system can check to determine whether an accessing player is a registered user of the system. If not, the system preferably refers, the accessing player 118 to a registration process whereby that player 118 can become a registered user of the system. For example, in one embodiment, the registration process can ask for the player 118 to provide detailed information about himself or herself, thereby allowing the automated gaming system to create a player profile for that particular player 118. The information requested can include, for example, the player name, address, phone number, and other registration-related information.</p> <p>As yet another example, the automated gaming system may request information from the user such as his or her age, and location, to ensure that the player is not violating any laws or</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>regulations by participating in certain gaming events. The system can additionally request verification of the information provided to ensure that the player is eligible to participate. Of course, as these examples serve to illustrate, there are numerous features and aspects that can be included in the registration process depending on the implementation of the system.</p>	
<p>receiving a request from said client to wager on one of said selection of wagerable event outcomes;</p>	<p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated</p>	<p>It follows from the preceding point that the client cannot select a wager from a selection of wagerable event outcomes if no outcomes have been selected.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>notifying said client substantially immediately whether said wager has been accepted; and</p>	<p>gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	
<p>notifying said client substantially immediately whether said wager has been accepted; and</p>	<p>Examiner's Statement - (Office Action at page 21) Brenner disclose an interactive system notifying said client substantially immediately whether said wager has been accepted [see claim 1] <i>to inform the client that his/her wager is confirmed. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Paravia and Brenner to provide an wager system accepting a credit card as and ID and information the client whether the bet is accepted.</i></p>	<p>"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has provided no other motivation than the claimed invention for combining the two cited references Paravia and Brenner. Thus this portion of the</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>updating on said card said financial information.</p>	<p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>As the player makes wagers, the amount of the wager can be deducted from the player's account, thus ensuring that the system (or 'house') is covered for the wager. In one embodiment, if there are insufficient funds in the player's account to cover the wager, the player can be given the opportunity to update or replenish his or her account at that time. Additionally, in one embodiment, the player can be given the opportunity to set up his or her account such that payment to cover excess wagers is automatically accounted for in the event of such an occurrence. For example, in establishing his or her account profile, the player may provide a credit card number and authorize the system to charge that credit card account in the event that the player places a wager of an amount that exceeds his or her account balance. In one embodiment, the player can be given the opportunity to establish the account such that these transactions can occur</p>	<p>rejection fails to provide a motivation for the combination.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>automatically, or semi-automatically in that they require pre-approval of the player.</p> <p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p>	
51. A method of real-time interactive wagering on event outcomes, said method comprising:		

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
<p>issuing a card to a client, said card encoded with identification information and financial information associated with said client; reading said encoded information from said card;</p>	<p><i>Examiner's Statement</i> - (Office Action at page 22) Paravia does not explicitly disclose issuing a card to a client, said card encoded with identification information and financial information associated with said client, reading said encoded information from said card, . . . updating said financial information record associated with said client; and updating on said card said financial information..</p>	
<p>updating a financial information record associated with said client in accordance with said encoded information read from said card, said financial information record stored within a data processing computer;</p>	<p>As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation.</p> <p>In a step 222, the automated gaming system accepts the wager from the player 118. The automated gaming system in one embodiment first checks the player's account to ensure that the player has enough balance in his or her account to support the requested wager. The system can debit that account for the amount wagered or place a mark on the amount of funds wagered from that account such that those funds are not available for other wagers until the results of that particular wager are known. Thus, this safeguard ensures that a player 118 will not wager more than he or she has in his or her account on one or more games.</p> <p>In one embodiment, if there are insufficient funds in the account to support the wager, the automated gaming system can prompt the player 118 to replenish or enhance his or her account to make up for the lack of funds. Alternatively, the automated gaming system can ask that player 118 to adjust his</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>or her wager to fall within the amount available in his or her account.</p> <p>Further, the player identification number, for gaming server access, may be assigned and a password selected. Financial information may also be taken and account deposits accepted or credit limits established. It is also anticipated that a signature of the player be recorded for purposes of accountability.</p>	
<p>displaying a selection of wagerable event outcomes on which said client is authorized to wager in accordance with said encoded financial information;</p> <p>receiving a request from said client to wager on one of said selection of wagerable event outcomes;</p>	<p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts, whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention</p>	<p>Paravia does not show or suggest selecting wagerable event outcomes on which said client is authorized to wager. Rather, Paravia states that “[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information.” This shows what wagers are allowed by a client, but not <u>which outcomes</u> are available to the client.</p> <p>Furthermore, the portion of Paravia cited against the third element of the claim actually shows that Paravia does not show or suggest selecting and displaying wagerable event outcomes, stating “[a] customer is limited to viewing information and placing</p>

<p>Independent Claims</p>	<p>Portions of Paravia Cited By the Examiner</p>	<p>Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner</p>
	<p>utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>When a customer wants to actually place a wager, two levels of location verification come into play. The ISP firstly ensures that a user is dialing up from a verifiable location where wagering is allowed. Secondly, the location verification module also ensures that the source of the wager request is from a location where wagering is allowed. The two systems work in concert to verify the location. In a different embodiment of the system, an establishment, such as a casino, plays the role of a dedicated ISP. It is similar to the previous embodiment except that there is no general connection to the Internet. A customer is limited to viewing information and placing wagers according to what is being offered by the casino.</p> <p>Further features, advantages, and aspects of the invention are described in detail below in terms of one or more various embodiments or implementations.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the</p>	<p>wagers according to what is being offered by the casino." Thus, it follows that Paravia never deals with selecting and displaying wagerable event outcomes but rather always allows the customer to view information and place wagers limited only according to what is being offered by the casino and not limited by whether the client is authorized to wager on wagerable event outcomes.</p> <p>It follows that the system cannot display to said client said selection of event outcomes and associated price information if the outcomes have not been selected. "Where, as here, the references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious."</p> <p>See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999). Thus, the rejection fails.</p> <p>It follows as well that the cannot receive a request from said client to wager on one of said selection of wagerable event outcomes if no</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
	<p>game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	<p>selection occurs.</p>
notifying substantially immediately	<i>Examiner's Statement</i> - Brenner disclose an interactive	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Brenner
whether said wager has been accepted;	system notifying substantially immediately whether said wager has been accepted [see claim 1] <i>to inform the client that his/her wager is confirmed. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to combine disclosures Paravia and Brenner to provide an wager system accepting a smart card as and ID, and financial payment system and informing the client whether the bet is accepted.</i> (emphasis in original).	
updating said financial information record associated with said client; and	See the <i>Examiner's Statement</i> relating to the first element above.	
updating on said card said financial information.	See the <i>Examiner's Statement</i> relating to the first element above.	

Claims rejected under 35 U.S.C. 103 as being obvious from Paravia in view of Friedman

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
<p>46. A method of real-time interactive wagering on event outcomes, said method comprising:</p> <p>receiving from a client instructions defining a wagering limit;</p>	<p>As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation.</p> <p>In a step 222, the automated gaming system accepts the wager from the player 118. The automated gaming system in one embodiment first checks the player's account to ensure that the player has enough balance in his or her account to support the requested wager. The system can debit that account for the amount wagered or place a mark on the amount of funds wagered from that account such that those funds are not available for other wagers until the results of that particular wager are known. Thus, this safeguard ensures that a player 118 will not wager more than he or she has in his or her account on one or more games.</p> <p>In one embodiment, if there are insufficient funds in the account to support the wager, the automated gaming system can prompt the player 118 to replenish or enhance his or her account to make up for the lack of funds. Alternatively, the automated gaming system can ask that player 118 to adjust his or her wager to fall within the amount available in his or her account.</p>	<p>This element specifically refers to "receiving from said client instructions defining a wagering limit." The cited portion of Paravia does not show or suggest receiving from said client instructions defining a wagering limit. In fact, the cited portion of Paravia does not relate at all to the claimed element. Although a previously cited portion of Paravia discusses a "maximum wager" as a game attribute; this is not an attribute associated with any particular client. Therefore, Paravia does not show or suggest receiving instructions relating to the client's defining a maximum amount said client desires to risk. Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
<p>receiving from said client a request to wager on an event outcome;</p>	<p>Created in 1991, the World-Wide Web (Web) provides access to information on the Internet, allowing a user to navigate Internet resources intuitively, without IP addresses or other specialized knowledge. The Web comprises hundreds of thousands of interconnected "pages", or documents, which can be displayed on a user's computer monitor. The Web pages are provided by hosts running special servers. Software that runs these Web servers is relatively simple and is available on a wide range of computer platforms including PC's. Equally available is Web browser software, used to display Web pages as well as traditional non-Web files on the user's system.</p> <p>Also displayed with the competitors or participants in a particular game, are the payoffs (or odds) and spread associated with the particular game. This is illustrated by steps 218 and 220. As discussed below in particular gaming embodiments, payoff and spread information may vary during the wagering process depending on wagering activities and the gaming format. Also, it is not essential that a spread be provided for every game.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different</p>	<p>1339, 1359-60 (Fed. Cir. 1999).</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
	<p>games for which wagers are being accepted by the automated gaming system.</p> <p>In one embodiment, a “button” or other icon can be provided and associated with each competitor in a game for which wagers can be accepted. The player can make a wager by simply clicking on the appropriate button. In alternative embodiments, command language can be used by the player 118 to select a competitor on which to wager. In a preferred embodiment, once a competitor has been selected by a player 118, the system asks the player for the amount that he or she wishes to wager. As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation.</p>	
calculating a total wagering amount for said client based upon said requested wager and other wagers made by said client; and	<p>Examiner's Statement - (Office Action at page 23) However, Friedman discloses calculating a total wagering amount for said client based upon said requested wager and other wagers made by said client {Abstract, C6 L32-L67} to allow wager's interest in outcomes of multiple events until the completion of all events. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Paravia and Friedman and provide wager system allowing the wager to bet on multiple games (events) at the same time with established credit limit. (emphasis in the original)</p>	
notifying said client substantially	Once the player has had the opportunity to browse one or	It follows from the previous point that

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
<p>immediately when said total wagering amount exceeds said wagering limit.</p>	<p>more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of the system, and updating player information.</p> <p>As the player makes wagers, the amount of the wager can be deducted from the player's account, thus ensuring that the system (or 'house') is covered for the wager. In one embodiment, if there are insufficient funds in the player's account to cover the wager, the player can be given the opportunity to update or replenish his or her account at that time. Additionally, in one embodiment, the player can be given the opportunity to set up his or her account such that payment to cover excess wagers is automatically accounted for in the event of such an occurrence. For example, in establishing his or her account profile, the player may provide a credit card number and authorize the system to charge that credit card account in the event that the player places a wager of an amount that exceeds his or her account balance. In one embodiment, the player can be given the opportunity to establish the account such that these transactions can occur automatically, or semi-automatically in that they require pre-approval of the player.</p>	<p>if no wagering limit according to the invention exists, then the client cannot be notified about the wagering limit.</p>
49. A method of real-time interactive		

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
<p>wagering on event outcomes, said method comprising:</p> <p>receiving from a client instructions defining a loss limit;</p>	<p>As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation.</p> <p>In a step 222, the automated gaming system accepts the wager from the player 118. The automated gaming system in one embodiment first checks the player's account to ensure that the player has enough balance in his or her account to support the requested wager. The system can debit that account for the amount wagered or place a mark on the amount of funds wagered from that account such that those funds are not available for other wagers until the results of that particular wager are known. Thus, this safeguard ensures that a player 118 will not wager more than he or she has in his or her account on one or more games.</p> <p>In one embodiment, if there are insufficient funds in the account to support the wager, the automated gaming system can prompt the player 118 to replenish or enhance his or her account to make up for the lack of funds. Alternatively, the automated gaming system can ask that player 118 to adjust his or her wager to fall within the amount available in his or her account.</p> <p>Created in 1991, the World-Wide Web (Web) provides access to information on the Internet, allowing a user to navigate Internet resources intuitively, without IP addresses or other</p>	<p>This element specifically refers to "receiving from said client instructions defining a loss limit." The cited portion of Paravia does not show or suggest receiving from said client instructions defining a loss limit. In fact, the cited portion of Paravia does not relate at all to the claimed element. Although a previously cited portion of Paravia discusses a "maximum wager" as a game attribute; this is not an attribute associated with any particular client. Therefore, Paravia does not show or suggest receiving instructions relating to the client's defining a maximum amount said client desires to set as a loss limit. Where, as here, the prior art references fail to teach all the limitations of a patent's claim, the claimed invention is nonobvious. See <u>WMS Gaming Inc. v. Int'l Game Tech.</u>, 184 F.3d 1339, 1359-60 (Fed. Cir. 1999).</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
	<p>specialized knowledge. The Web comprises hundreds of thousands of interconnected “pages”, or documents, which can be displayed on a user’s computer monitor. The Web pages are provided by hosts running special servers. Software that runs these Web servers is relatively simple and is available on a wide range of computer platforms including PC’s. Equally available is Web browser software, used to display Web pages as well as traditional non-Web files on the user’s system.</p> <p>Also displayed with the competitors or participants in a particular game, are the payoffs (or odds) and spread associated with the particular game. This is illustrated by steps 218 and 220. As discussed below in particular gaming embodiments, payoff and spread information may vary during the wagering process depending on wagering activities and the gaming format. Also, it is not essential that a spread be provided for every game.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p> <p>In one embodiment, a “button” or other icon can be provided and associated with each competitor in a game for which</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
	<p>wagers can be accepted. The player can make a wager by simply clicking on the appropriate button. In alternative embodiments, command language can be used by the player 118 to select a competitor on which to wager. In a preferred embodiment, once a competitor has been selected by a player 118, the system asks the player for the amount that he or she wishes to wager. As stated above, the system can establish minimum and maximum wagers depending on the desires of the administrator and depending on the system implementation.</p>	
<p>calculating a total loss amount for said client in response to said client losing a wager, said total loss amount based upon said lost wager and other wagers lost by said client; and</p>	<p><i>Examiner's Statement</i> - (Office Action at page 23) However, Friedman discloses calculating a total loss amount based upon said lost wager and other wagers lost by said client {<i>Abstract, C6 L32-L67</i>} to allow wager's in outcomes of multiple events until the completion of all events. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Paravia and Friedman and provide wager system to protect the client from excess losses. (emphasis in the original)</p>	
<p>notifying said client substantially immediately when said total loss amount exceeds said loss limit.</p>	<p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of</p>	<p>It follows from the previous point that if no loss limit according to the invention exists, then the client cannot be notified about the loss limit.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman
	<p>the system, and updating player information.</p> <p>As the player makes wagers, the amount of the wager can be deducted from the player's account, thus ensuring that the system (or 'house') is covered for the wager. In one embodiment, if there are insufficient funds in the player's account to cover the wager, the player can be given the opportunity to update or replenish his or her account at that time. Additionally, in one embodiment, the player can be given the opportunity to set up his or her account such that payment to cover excess wagers is automatically accounted for in the event of such an occurrence. For example, in establishing his or her account profile, the player may provide a credit card number and authorize the system to charge that credit card account in the event that the player places a wager of an amount that exceeds his or her account balance. In one embodiment, the player can be given the opportunity to establish the account such that these transactions can occur automatically, or semi-automatically in that they require pre-approval of the player.</p>	

Claims rejected under 35 U.S.C. 103 as being obvious from Paravia in view of Friedman in further view of Thomas

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman in further view of Thomas
<p>47. A method of real-time interactive wagering on event outcomes, said method comprising:</p> <p>displaying to a client a first display comprising a selection of event outcomes on which said client is authorized to wager;</p>	<p>Created in 1991, the World-Wide Web (Web) provides access to information on the Internet, allowing a user to navigate Internet resources intuitively, without IP addresses or other specialized knowledge. The Web comprises hundreds of thousands of interconnected “pages”, or documents, which can be displayed on a user’s computer monitor. The Web pages are provided by hosts running special servers. Software that runs these Web servers is relatively simple and is available on a wide range of computer platforms including PC’s. Equally available is Web browser software, used to display Web pages as well as traditional non-Web files on the user’s system.</p> <p>In one embodiment, the player can be given the opportunity to establish the account such that these transactions can occur automatically, or semi-automatically in that they require pre-approval of the player.</p> <p>In other embodiments, various other methods of determining who to accept gaming from may be employed. Hence, the present invention should not be considered to be limited to only configurations that allow for participation based location</p>	<p>Paravia does not show or suggest displaying to said client a selection of event outcomes on which said client is authorized to wager. Rather, Paravia states that “[t]he information may show a point spread, minimum and maximum wagers, payoff amounts and other information.” This shows what wagers are allowed by a client, but not which outcomes are available to the client.</p> <p>Furthermore, the portion of Paravia cited above actually shows that Paravia does not show or suggest selecting and displaying wagerable event outcomes, stating “[a] customer is limited to viewing information and placing wagers according to what is being offered by the casino.” Thus, it follows that Paravia never deals</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman in further view of Thomas
	<p>of the player. In other arrangements, the present invention could alternatively or additionally limit or allow participation to players of certain financial means, players having completed gaming education and understanding courses, pre-registered and pre-paid players, players whose age is predetermined, or players whose telephone number has been predetermined.</p>	<p>with selecting and displaying wagerable event outcomes but rather always allows the customer to view information and place wagers limited only according to what is being offered by the casino and not limited by whether the client is authorized to wager on wagerable event outcomes.</p> <p>In conclusion, if wagerable event outcomes have not been selected, these event outcomes cannot be displayed.</p>
<p>receiving from said client a request to wager on an event outcome;</p>	<p>Abstract-A system and method for providing an automated gaming service to one or more players can be implemented in a computer-based environment allowing automated computation of wagers, payouts, and other gaming parameters. The automated gaming system can be implemented in an Internet or other network-type environment such that various players can access the automated gaming system from remote locations, thus establishing a virtual gaming environment. Player accounts can be established and players can be granted access to the system and to their accounts. The accounts can be set up as debit-type accounts,</p>	<p>It follows from the previous points that the client cannot provide a request that corresponds to one of the selection of wagerable event outcomes if the outcomes have not been selected.</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman in further view of Thomas
	<p>whereby a player funds or replenishes his or her account in advance of wagering, using a credit card or other payment technique. Various gaming environments or formats can be established to provide flexibility in implementing the system and handling various games or other events. The system can use a pari-mutuel or guaranteed-payout gaming formats, among others. Other embodiment of the present invention utilizes player location apparatus to evaluate the general location of the player to regulate access to players in authorized locations.</p> <p>When a customer wants to actually place a wager, two levels of location verification come into play. The ISP firstly ensures that a user is dialing up from a verifiable location where wagering is allowed. Secondly, the location verification module also ensures that the source of the wager request is from a location where wagering is allowed. The two systems work in concert to verify the location. In a different embodiment of the system, an establishment, such as a casino, plays the role of a dedicated ISP. It is similar to the previous embodiment except that there is no general connection to the Internet. A customer is limited to viewing information and placing wagers according to what is being offered by the casino.</p> <p>Further features, advantages, and aspects of the invention are described in detail below in terms of one or more various</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman in further view of Thomas
	<p>embodiments or implementations.</p> <p>For example, one game available through the automated gaming system might include a basketball game between two contestants or competitors such as Duke and UCLA. The information may show a point spread, minimum and maximum wagers, payoff amounts and other information. Player 118 can decide whether he or she wishes to place a wager on one of the competitors (e.g., Duke or UCLA) in the game.</p> <p>As another example, player 118 may elect to place a wager on the finishing position of Michael Andretti in an upcoming auto-racing event, or the success of Bill Koch in an America's Cup Challenge. Of course, the games are not limited to sports or sports-related events, but can include other "contests" including polls, outcomes of jury trials, results of impeachment hearings, or other happenings for which the outcome may have a level of uncertainty, or for which more than one outcome is possible.</p> <p>Once the player has had the opportunity to browse one or more games and decide to place a wager, the automated gaming system accepts the player's wager or wagers in a step 152. In one embodiment, in accepting the wager, the automated gaming system updates other information in the system, including, where applicable or appropriate, updating the payoff, moving a line, recalculating maximum exposure of</p>	

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman in further view of Thomas
	<p>the system, and updating player information.</p> <p>With this information at hand, player 118 can determine whether he or she wishes to place a wager on a particular competitor in a game and how much that wager should be. Also, player 118 can decide not to place a wager but instead defer that decision or continue browsing among different games for which wagers are being accepted by the automated gaming system.</p>	
<p>calculating a total wagering amount for said client based upon said requested wager and other wagers made by said client; and</p>	<p>Examiner's Statement - (Office Action at page 25) However, Friedman discloses calculating a total wagering amount for said client based upon said requested wager and other wagers made by said client {Abstract, C6 L32-L67} to allow wager's interest in outcomes of multiple events until the completion of all events. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Paravia and Friedman and provide wager system allowing the wager to bet on multiple games (events) at the same time with established credit limit. (emphasis in the original)</p>	
<p>displaying to said client a second display comprising a non-wagering environment when said total wagering amount exceeds a predetermined wagering limit.</p>	<p>Examiner's Statement - (Office Action at page 25) Thomas discloses displaying to said client a second display comprising a non-wagering environment [paragraph 177 to paragraph 190] to display a second synchronized message, which allows the client to watch non-wager event. It would have been obvious at the time the invention was made to a person having</p>	<p>"Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of</p>

Independent Claims	Portions of Paravia Cited By the Examiner	Arguments Differentiating Selected Elements of the Claims from Cited Portions of Paravia in view of Friedman in further view of Thomas
	<p><i>ordinary skill in the art to combine the disclosures of Paravia, Friedman and Thomas to allow wager's interest in outcomes of multiple events and alert (warning) the client of exceeding limit where the client can take his time to watch other event and take a brake from betting. (emphasis in the original)</i></p>	<p>hindsight." In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Here, the Examiner has provided no other motivation than the claimed invention for combining the two cited references Paravia and Brenner. Thus this portion of the rejection fails to provide a motivation for the combination.</p>